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HUMAN RIGHTS COMMITTEE
Seventy-second session

LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE INITIAL REPORT OF THE PRINCIPALITY OF MONACO, AS ADOPTED BY THE HUMAN RIGHTS COMMITTEE ON 5 APRIL 2001

GE.01-41397 (E)

I. GENERAL QUESTIONS

Constitutional framework within which the Covenant is implemented

1. Does the State party plan to reduce the number of reservations that it entered when ratifying the Covenant? What is the status of the Covenant in Monegasque law?

2. Has the State party established, or does it plan to establish, a National Commission for Human Rights? If such a Commission has been established, what is its composition, and what are its powers (see paragraph 30 of the report)?

3. Does the State party plan to ratify the Optional Protocol to the Covenant?

II. QUESTIONS RELATING TO SPECIFIC ARTICLES OF THE COVENANT

Articles 3, 6, 23, 24 and 26

4. To what extent has legislation on gender equality led to increased and more active participation by women in political life and improved representation of women in public institutions and various professions (see, in particular, paragraph 61 of the report)?

5. What rights do women have in respect of inheritance?

6. Are there specific provisions in law to deal with violence against women? Please provide statistics on violence against women, particularly cases of spouse abuse.

7. Why are women denied the right to transmit Monegasque nationality to their children? How is this practice compatible with article 26 of the Covenant?

8. Please provide information on any differences in the treatment of children born in and out of wedlock.

9. Please describe the practical implications of the concept of "the husband as head of the family" and the observation that "Monegasque family law still gives greater importance to the husband", and state whether they are compatible with articles 3 and 23, paragraph 4, of the Covenant (see paragraphs 169 and 171 of the report).

10. Please also describe, with reference to articles 3 and 23, paragraph 4, the effects of the dissolution of marriage.

11. Is racial discrimination prohibited by law? Please provide details on the existence, in practice, of any discrimination on the grounds of race.

Articles 9, 10 and 14

12. Please specify the legal limits and the conditions of pre-trial detention and the rules and restrictions on extending it. Is there a system of release on bail?

13. Please provide information on recruitment for and discipline in the Monaco police force. What are the powers of the Police Court (reservation No. 3)? Are there any private militias in Monaco and what would be the rules governing them?

14. (a) Please provide information on the measures guaranteeing the independence and impartiality of the judiciary and details on the methods for appointing and disciplining magistrates;

(b) What are the rules of criminal procedure applicable in Monaco in order to guarantee the rights under article 14 of the Covenant, particularly with regard to the presumption of innocence (art. 14, para. 2)?

(c) What effort is the State party making to comply with obligations arising from article 14, paragraph 6, of the Covenant?

Articles 12 and 13

15. (a) Please provide details on Monaco's measures of *refoulement* from its territory of undesirable aliens or aliens likely to disturb law and order, and explain why there is no obligation to justify taking such measures (report, paras. 106 and 107);

(b) Please give statistics on decisions made since 1997 ordering such measures.

Article 18

16. Please explain how the guarantees set out in article 18 of the Covenant are implemented, especially in the educational sector.

Article 22

17. (a) Please give information on any restrictions on the right to form or join trade unions and on the conditions for membership in trade unions;

(b) Are there any limitations on the right to strike?

Articles 19, 25 and 27

18. What guarantees exist to ensure the free expression of the will of the electorate during elections? Which body organizes and monitors elections and how is its independence guaranteed?

19. Please give information on the legal provisions applicable to the media. To what extent have the provisions of article 19 of the Covenant been taken into consideration in Monaco's legislation in that respect?

Dissemination of information on the Covenant (art. 2)

20. What has been done to publicize the contents of this initial report?

21. Are there any ongoing programmes to train members of the judiciary and public officials in the application of rights under the Covenant?